

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DENNIS HARLAN, et al.,

Plaintiffs,

v.

Case No. 08-13610-DT

ESTATE OF DON HERBERT, et al.,

Defendants.

ORDER SUSPENDING DISCOVERY IN CONTEMPLATION OF MEDIATION

On October 14, 2008, the court conducted a scheduling conference in the above-captioned case. The court discussed with counsel the potential benefits of mediation, particularly in business disputes. Given the underlying issues that separate the parties in this matter, the court believes that, if entered into in good faith, voluntary facilitative mediation is likely to achieve a mutually agreeable resolution to this action. Accordingly, the court will suspend discovery in order to allow the parties an opportunity to decide whether to enter into mediation.

The court agrees to suspend discovery only upon the condition that the parties seriously and in good faith consider the benefits of mediation. Counsel are therefore ORDERED to instruct their clients forthwith that (1) the court strongly encourages mediation in this case, and (2) the responsible parties are required to confer with their respective attorney to discuss the benefits of mediation. If the parties agree, they shall continue to discuss between themselves and decide the details of mediation as to method, place and time.

For the reasons stated above, IT IS ORDERED that all discovery in this matter is hereby SUSPENDED. The court will conduct a telephone conference on **October 23, 2008 at 3:30 p.m.** to discuss whether the parties have agreed to enter into mediation and, if so, the details of that mediation. If the parties do not both elect to proceed to mediation, the court will issue its scheduling order.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 15, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 15, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522